

### REMARKS/ARGUMENTS

In response to the above-identified Final Office Action, Applicant has amended the application and respectfully requests reconsideration thereof.

#### *Amendment of Claims*

Claim 1 has been amended to further clarify that and each category identifier in the first plurality of category identifiers is distinct from each category identifier in the second plurality of category identifiers. Support for this amendment can be found in the Title, description (e.g., paragraphs 2, 31-32, 36, 48-51) and in the drawings (e.g., Figure 5 and Figure 6). Applicant acknowledges that an amendment to any finally rejected claim cannot be entered as a matter of right; however, claim amendments may be entered where they merely adopt examiner's suggestions; remove issues for appeal or, in some other way, require only a cursory review. Applicant believes the proffered amendments will require a cursory examination by the Examiner and have placed the claims in condition for allowance.

### *Response to Claim Rejections – 35 USC § 112*

Claims 1-12, 14-18 and 20-29 stand rejected under 35 U.S.C § 112, first paragraph, as failing to comply with the written description requirement. Allegedly, the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Final Office Action states, "In particular, there is no support for the limitation "each category in the first plurality of categories is distinct from each category in the second plurality of categories."

Claim 1 has been amended to modify the above-described limitation. Specifically, the word "category" has been replaced with the word "category identifier". Support for this amendment can be found in the Title, description (e.g., paragraphs 2, 31-32, 36, 48-51) and in the drawings (e.g., Figure 5 and Figure 6). Accordingly, claim 1 should not be rejected under 35 U.S.C § 112, first paragraph, as failing to comply with the written description requirement.

Independent claims 14, 20, 28 and 29 include a limitation corresponding substantially to the above-discussed limitation of claim 1. The above remarks are accordingly also applicable to a consideration of these independent claims.

In addition, if the independent claims satisfy the written description requirements under 35 U.S.C. § 112, paragraph 1, then, any claim depending therefrom,

in view of the reason for rejection, satisfies the written description requirement and rejection of claims 2-12, 15-18, 21-23 and 26-27 under 35 U.S.C. § 112, paragraph 1 is also addressed by the above remarks.

### ***Response to Claim Rejections – 35 USC § 103***

Claims 1-12, 14-18, 20-23, and 26-29 stand rejected under 35 U.S.C. § 103(a), as being allegedly unpatentable over U.S. Patent No. 6,489,968 (hereinafter Ortega) in view of U.S. Patent No. 6,286,002 (hereinafter Axaopoulos). Reasons for rejection of claims 1-12, 14-18, 20-23, and 26-29 appear below.

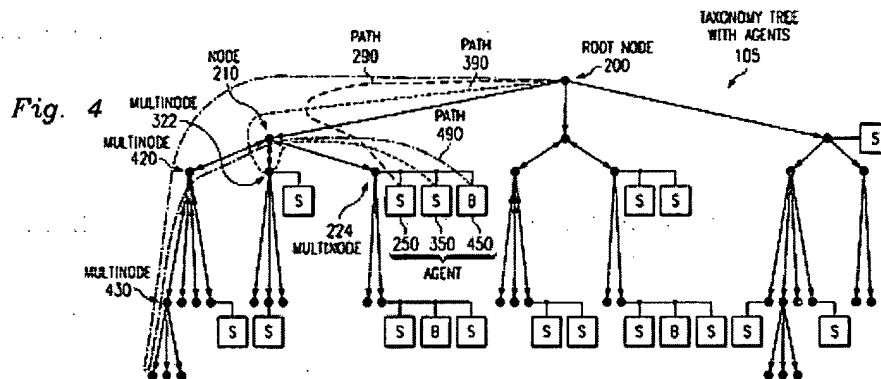
Applicant respectfully submits that claims 1-12, 14-18, 20-23, and 26-29 should not be rejected under 35 U.S.C. § 103 for the reason that the prior art references when combined do not teach or suggest all of the claim limitations of the independent claims of the present application.

To establish a **prima facie** case of **obviousness**, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Claim 1 includes the following limitations:

the first category path including a first plurality of categories that are respectively associated with a first plurality of category identifiers and the second category path including a second plurality of categories that are respectively associated with a second plurality of category identifiers, and each category identifier in the first plurality of category identifiers is distinct from each category identifier in the second plurality of category identifier.

The Office Action contends that the above limitation is anticipated by the following figure in Axaopoulos:



...FIG. 4 illustrates a user placing a third agent 450 in the taxonomy tree with agents 105. In this case, the user traverses the path 490. The path 490 goes through the root node 200, the node 210, a multinode 420, a multinode 430, and a multinode 224.

At the end of the path 490, the user places the agent 450 as a buy agent. The buy agent 450 is looking for some product that is associated with the keywords in the path 490. It is important to note that if the agent 450 had been placed at multinode 430, but the user had followed the path through root node 200, root node 210, multinode 224, multinode 420, and multinode 430, the same set of keywords would be associated with the agent 450. Thus, the user would have defined the same set of information of interest by following a different path. That the same needs can be described using multiple paths illustrates the flexibility of the taxonomy tree with agents 105.

Axaopoulos, Col. 11, lines 27-43 (first quote).

...Thus, the path 390, associated with the sell agent 350, includes the root node 200, the node 210, the multinode 322, and the multinode 224.

Axaopoulos, Col. 11, lines 16-18 (second quote).

The sell agent 250 is associated with the path 290. The path 290 includes the root node 200, the node 210 and the multinode 224.

Axaopoulos, Col. 11, lines 4-6 (third quote).

The first quote from Axaopoulos describes a user that traverses a taxonomy tree before placing<sup>1</sup> an agent in the taxonomy tree. The taxonomy tree includes nodes. Some of the nodes are associated with keywords. The user traverses the nodes in the taxonomy tree to identify keywords that describe a product. Placement of the buy agent at a node results in the buy agent looking for the product that is associated with the keywords in the path. The second quote describes a sell agent 350 that is associated with the path 390 (e.g., root node 200, node 210, multinode 322, and multinode 224) and the third quote describes a sell agent 250 that is associated with the path 290 (e.g., root node 200, node 210, and multinode 224).

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<sup>1</sup> The taxonomy tree with agents 105 is a searchable tree from which users can locate and place agents that represent the need for or availability of products. The tree includes a number of nodes through which users can refine their definition of their needs. The agents represent programs and/or data structures that, among other features, allow the market place program 104 to maintain a history of a consumer's needs beyond the time in which the user is connected to the market place program 104. Axaopoulos Col. 6, lines 8-16.

Claim 1 requires a first category path respectively associated with a first plurality of category identifiers and a second category path respectively associated with a second plurality of category identifiers, and each category identifier in the first plurality of category identifiers is distinct from each category identifier in the second plurality of category identifiers. For example, a Taurus Car may be located by following an exemplary first path of *actual categories*:

<u>Actual Categories</u>	<u>Category Identifiers</u>
"Passenger/Ford/Taurus"	50, 2000, 8000

Continuing with the example, the same Taurus Car may also be located by following an exemplary second path of *virtual categories*:

<u>Virtual Categories</u>	<u>Category Identifiers</u>
"Cars/Ford/Taurus"	51, 2001, 8001

In the above example, each category identifier in the exemplary first category path (50, 2000, 8000) is distinct from each category identifier in the exemplary second category path (51, 2001, 8001; see also Figure 5). In contrast, the second and third quotes from Axaopoulos do not disclose each category identifier in the first category path distinct

from each category identifier in the second category path; but rather, a path 390 and a path 290 that include the same nodes (e.g., root node 200, node 210 and multinode 224). Clearly, two paths that include the same nodes cannot be said to include nodes that are distinct from each other. Axaopoulos therefore cannot be said to anticipate the above quoted limitation because Axaopoulos discloses two paths that include the same nodes and claim 1 requires that each category identifier in the first plurality of category identifiers be distinct from each category identifier in the second plurality of category identifiers.

Independent claims 14, 20, 28 and 29 each include a limitation corresponding substantially to the above-discussed limitation of claim 1. The above remarks are accordingly also applicable to a consideration of these independent claims.

In addition, if an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 2-12, 15-18, 21-23 and 26-27 under 35 U.S.C. § 103 is also addressed by the above remarks.

Claims 24-25 stand rejected under § 103(a) as allegedly being unpatentable by Ortega in view of Axaopoulos and in further view of U.S. patent no. 6,381,607 (hereinafter Wu).

Applicant respectfully submits that claims 24-25 should not be rejected under 35 U.S.C. § 103 because if an independent claim is nonobvious under 35 U.S.C. § 103 then,

any claim depending therefrom is nonobvious and rejection of claims 24-25 under 35 U.S.C. § 103 is also addressed by the above remarks.

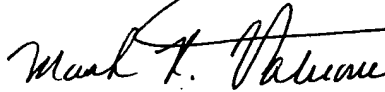
In summary, Ortega in combination with Axaopoulos and Wu does not teach or suggest each and every limitation of claims 24-25 as required to support rejections of the independent claims of the present application under 35 U.S.C. § 103.

If there are any additional charges, please charge Deposit Account No. 02-2666.  
If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact Mark Vatuone at (408) 947-8200.

Respectfully submitted,

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